

findings state that the development of democracy must be led from within countries themselves. This section also recognizes that democracy and human rights activists are under increasing pressure from authoritarian regimes and, in some cases, the governments of democratic transition countries. While recognizing that individuals, non-governmental organizations, and movements in nondemocratic and democratic transition countries must take the lead in making their own decisions, the findings state that democratic countries have a number of instruments to support such reformers and should cooperate with each other to do so.

The Conference substitute adopts the Senate provision, with an amendment expanding and revising the findings in this section.

#### *Section 2103. Statement of Policy*

There is no comparable House provision.

Section 1903 of the Senate bill declares that it is United States policy: To promote freedom, democracy and human rights as fundamental components of United States foreign policy; to promote democratic institutions, including an independent judiciary, an independent and professional media, strong legislatures and a thriving civil society; to provide appropriate support to individuals, non-governmental organizations, and movements living in nondemocratic countries and democratic transition countries that aspire to live in freedom; to provide political, economic, and other support to foreign countries that are undertaking a transition to democracy; and to strengthen cooperation with other democratic countries in order to better promote and defend shared values and ideals.

The Conference substitute adopts the Senate provision, with an amendment expanding and revising the statement of policy in this section.

#### *Section 2104. Definitions*

There is no comparable House provision.

Section 1904 of the Senate bill provides definitions for use in this title.

The Conference substitute adopts the Senate provision, with an amendment adding or revising several definitions, particularly by adding a definition of Nondemocratic or Democratic Transition Country.

#### **SUBTITLE A—ACTIVITIES TO ENHANCE THE PROMOTION OF DEMOCRACY**

#### *Section 2111. Democracy Promotion at the Department of State*

There is no comparable House provision.

Section 1911 of the Senate bill provides for the establishment of Democracy Liaison Officers. It describes the responsibilities of the Democracy Liaison Officers and indicates that these positions should be in addition to, and not in replacement of, other positions. Section 1911 also provides that nothing in this subsection may be construed as affecting Chief of Mission authority under any provision of law, including the President's direction to Chiefs of Mission in the exercise of the President's constitutional responsibilities.

The Conference report adopts the Senate provision, with an amendment.

In addition to the Democracy Liaison Officers described above, the Conference substitute requires that the Secretary of State identify at least one office in the Bureau of Democracy, Human Rights, and Labor (DRL) responsible for working with democratic movements and facilitating the transition of countries to democracy, including having at least one employee in each office specifically responsible for working with such movements. This section provides for the identification of such an office; describes the responsibilities of the Assistant Secretary for DRL in this regard, which may be exercised

through this office; and provides that the Assistant Secretary shall identify officers or employees in DRL that shall have expertise in and responsibility for working with non-governmental organizations, individuals and movements that are committed to the peaceful promotion of democracy.

The Conference substitute also describes actions that Chiefs of Missions should take to promote democracy. It provides for the development of a strategy to promote democracy in nondemocratic or democratic transition countries and to provide support to non-governmental organizations, individuals and movements in such countries that are committed to democratic principles, practices, and values. It also provides for meetings with leaders of nondemocratic and democratic transition countries regarding progress toward a democratic form of governance, encourages chiefs of missions to conduct meetings with civil society, interviews with media and discussions with students and young people regarding democratic governance.

Moreover, the Conference substitute provides that the Secretary of State should seek to increase the proportion of DRL's non-administrative employees who are members of the Foreign Service and authorizes such sums as may be necessary to carry out the provision.

The Conferees believe that the Democracy Liaison Officers provided for in subsection (a) of the Conference substitute should be selected with the concurrence of the Assistant Secretary of Democracy, Human Rights and Labor in order to ensure that appropriate individuals are put in those posts. The Conferees also believe that more senior officials at posts where there are significant human rights abuses should also be selected with input from the Assistant Secretary for DRL.

The Conferees note that the Department of State, as part of its Transformational Diplomacy Initiative, intends to reduce or eliminate labor officers in posts abroad. While not objecting to normal rotations and assignments designed to meet the Secretary of State's priorities and reflect the changing needs of host countries, the Conferees are concerned that eliminating such positions would signal an abandonment of the core consensus that has existed since the 1980's that the promotion of democracy includes the promotion of the freedoms of association and organization by laborers.

The Conferees observe that activists in other countries sometimes are not sure whom to contact at the Department of State to discuss local democracy and human rights issues; thus, the Conferees intend that the Secretary of State have discretion to either create a new office for this purpose or to identify one or more existing offices with regional expertise to be the points of contact for such activists. With respect to the officers or employees in DRL that shall have expertise in and responsibility for working with non-governmental organizations, individuals and movements that are committed to the peaceful promotion of democracy, as identified by the Assistant Secretary for DRL, the Conferees expect that such individuals would serve in the office or offices identified pursuant to subpart (b)(1).

Finally, the Conferees believe that encouraging a greater number of members of the Foreign Service to serve in DRL will enhance democracy promotion.

#### *Section 2112. Democracy Fellowship Program*

There is no comparable House provision.

Section 1912 of the Senate bill, requested by the Department of State, provides for a program to obtain an additional perspective on democracy promotion abroad by working with appropriate Congressional offices and

Committees and in non-governmental and international organizations involved in democracy promotion.

The Conference substitute adopts the Senate provision, with an amendment making some minor and conforming changes.

#### *Section 2113. Investigations of Violations of International Humanitarian Law*

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute adopts a compromise provision, regarding violations of international humanitarian law by nondemocratic countries. This section requires the President to collect information regarding incidents that may constitute crimes against humanity, genocide and other violations of international humanitarian law. It requires that the President consider what actions he can take to hold governments and responsible individuals accountable.

#### **Subtitle B—Strategies and Reports on Human Rights and the Promotion of Democracy**

#### *Section 2121. Strategies, Priorities and Annual Report*

Section 1421 of the House bill provides a statement of policy on the importance of promoting democracy human rights and requires country-by-country strategies to address the elements in the statement of policy.

Section 1921 of the Senate bill changes the title of an existing annual report, "Supporting Human Rights and Democracy" (SHRD), which was required by the amendments made by section 665 of the Foreign Relations Authorization Act of 2003, to "Annual Report on Advancing Freedom and Democracy" and changes the date on which that report needs to be submitted.

The Conference substitute adopts the Senate provision, with an amendment adding features of section 1421 of the House bill and expanding the provisions of the Senate amendment. It addresses the need for long-term strategies for the promotion of democracy in nondemocratic and democratic transition countries. This section commends the Secretary of State for the ongoing country-specific strategies to promote democracy and requires the Secretary of State to expand the development of country-specific strategies to all nondemocratic and democratic transition countries. It also provides that the Secretary of State shall keep the appropriate Congressional Committees fully and currently informed as strategies are developed.

The Conference substitute also provides that the report shall include, as appropriate, United States: (1) priorities for the promotion of democracy and the protection of human rights for each non democratic country and democratic transition country, developed in consultation with relevant parties in such countries; and (2) specific actions and activities of Chiefs of Missions and other U.S. officials to promote democracy and protect human rights. This section also extends the due date of the Annual Report.

The Conferees believe that the Department of State's process for implementing subpart (a)(2) should incorporate both short-term objectives and a long-term approach to democratization. The Conferees intend for the Department of State to fulfill the requirement of keeping the appropriate Congressional Committees informed by briefing the Committees, upon request, in addition to any hearings that Congress may conduct.

The Conferees observe that the existing SHRD Report all too often reflects a catalogue of program activities of the U.S. Government over the past year without context or a demonstration of what leadership the